

# The Department of Community Planning & Development

City Hall, Lynchburg, VA 24504 434-455-3900

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**To:** Planning Commission

**From:** Planning Division

**Date:** December 22, 2004

**Re:** **REZONING: from B-3, Community Business District, and R-3, Two-Family Residential District, to B-5, General Business District (Conditional) at 1400 Lakeside Drive.**

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## I. PETITIONER

C & G Properties, Inc. 3230 Old Forest Road, Lynchburg, VA 24501

**Representative:** Blake Royer, 2306 Bedford Avenue, Lynchburg, VA 24503

## II. LOCATION

The subject property is a tract of about 1.09 acres located at 1400 Lakeside Drive.

**Property Owners:** C & G Properties, 3230 Old Forest Road, Lynchburg VA 24501

## III. PURPOSE

The purpose of this petition is to allow use of the property as a thrift shop with adjacent customer parking. Use of the property for secondhand retail sales requires a B-5, General Business District. The rear portion of the site, now zoned residential, must be rezoned to allow for customer parking.

## IV. SUMMARY

- Petition agrees with the *Comprehensive Plan* which recommends a Community Commercial land use for this parcel.
- Petition agrees with the Zoning Ordinance in that a thrift shop is a permitted use in a B-5, General Business District.
- Petition proposes the use of an existing building and parking lot for a thrift shop and parking.

**The Planning Division recommends approval of the rezoning petition.**

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## V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends a Community Commercial land use for the subject property. The proposed thrift shop and parking are compatible with this land use designation.
2. **Zoning.** The subject property was annexed into the City in 1926. The general area was zoned residential when the City adopted a zoning ordinance in 1930 (there was no Lakeside Drive at that time). The zoning ordinance adopted in 1960 shows the property in a "Community Commercial" district. The existing zoning: B-3, Community Business District, along Lakeside Drive and R-3, Two-Family Residential District, in the back portion of the site was established in 1978 with the adoption of the current *Zoning Ordinance*.
3. **Proffers.** The petitioner voluntarily submitted the following proffers with the rezoning application:

- The existing fence and gate will be maintained and used to control access to the parking area. The gate will be closed and locked during nonbusiness hours from 8:00 PM to 8:00 AM local time to control access to the area.
  - The owner and tenant will maintain all existing setbacks and improvements on the property to avoid creating any nuisance or infringement on adjacent property owners.
  - The parking area will be used for store operations only and not as a public parking area. A 36" by 48" sign will be conspicuously posted at the gated entrance to read "Store Customer Parking Only – Others Towed at Owner Expense."
  - In the event that a second-hand retail business no longer uses 1400 Lakeside Drive, the permitted uses of the property will be those of a B-3 zone.
4. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the proposed rezoning.
5. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
- 10/28/1980: City Council approved the petition of Lester C. Heyer for a Conditional Use Permit (CUP) to operate a family amusement center at 1405 Lakeside Drive.
  - 9/25/1984: City Council approved the petition of Lynchburg College for a Conditional Use Permit (CUP) for Alumni House at Lynchburg College off Lakeside Drive.
  - 10/09/1984: City Council approved the petition of Richard R. Woody to rezone approximately 1.0 acre from B-3, Community Business District, to B-5, General Business District (Conditional), for a new car dealership at 1311 Lakeside Drive.
  - 4/9/1991: City Council approved the petition of Gethsemane Baptist Church for a Conditional Use Permit (CUP) for new parking, expansion of existing parking and an existing sanctuary at 408, 411 Blue Ridge Street.
  - 8/8/1995: City Council approved the petition of Wilton Burgess to rezone approximately 1.8 acres from I-2, Light Industrial District, to B-5, General Business District (Conditional), to allow construction of a convenience store with parking.
  - 5/13/1997: City Council approved the petition of Gethsemane Baptist Church for a Conditional Use Permit (CUP) for operation of a child care center at 407, 411 Blue Ridge Street.
  - 5/14/2002: City Council approved the petition of Schaefer Oglesby to rezone approximately 0.25 acre from B-3, Community Business District, to B-5, General Business District (Conditional), to allow operation of a new car dealership.
  - 8/13/2002: City Council approved the petition of Witco, Inc., to rezone approximately 0.45 acre from I-1, Light Industrial District, to B-5, General Business District (Conditional), to allow the operation of an automatic car wash facility.
6. **Site Description.** The subject property is bounded to the north by residential uses, to the east and west by commercial uses and vacant property, and to the south by commercial uses across Lakeside Drive.

7. **Proposed Use of Property.** The purpose of the rezoning is to allow operation of a thrift shop selling secondhand merchandise to the general public. The thrift shop will use an existing building. The parking area in the rear of the store will be used for customers and employees only and will be closed when the store is not open.
8. **Traffic and Parking.** The City Traffic Engineer has no comments of concern regarding the subject petition. The proposed use is not expected to generate a significant amount of traffic beyond what was generated by the previous commercial use.

The Traffic Engineer and Planning Division have considered the possible impacts of the proposed Crosstown Connector on the subject property. As plans are now, the impacts, if any, will be minor. However, the Crosstown Connector is going through design modifications, so minor impacts may result from any changes made after this date.

9. **Storm Water Management.** The new impervious area for the project does not exceed 1,000 square feet; as such, no stormwater management plan is required for the project. A stormwater maintenance agreement will be required of the applicant to ensure long term maintenance of the site's drainage system.
10. **Impact.** The existing property at 1400 Lakeside Drive is bisected by the zoning district boundary line. The front of the parcel is now zoned B-3, Community Commercial, and the existing building is located in this area. The rear of the parcel is zoned R-3, Two-Family Residential, and is the location of the fenced lot proposed for customer parking.

A previous owner of the property obtained a Conditional Use Permit (CUP) from the Board of Zoning Appeals (BZA), approved April 25, 2000. This CUP from the BZA allowed the owner to use the existing building for an automotive body shop in a B-3, Community Business District, and to use the adjacent paved lot for temporary storage of customers' motor vehicles in an R-3, Two-Family Residential District. Customers' cars were stored on this lot during the time they were being repaired, but customers were not allowed under the terms of the BZA CUP to park there.

Since the parcel will have to be rezoned from B-3 to B-5 to allow operation of a secondhand store (thrift shop), this is an excellent opportunity for the entire parcel to be rezoned to the same district. This rezoning will also allow for customer parking in the lot. The required fifty (50)-foot setback and vegetative buffer can be provided between the commercially zoned parcel and the residentially zoned area behind it.

The area between the back of the parking lot and the residences facing Hood Street is a steep slope with some vegetation on it. Additional landscaping will be provided to help screen the parking lot from the residences. Proffers governing the times of use and the users of the parking lot should mitigate impacts from the proposed thrift shop.

Rezoning this parcel to B-5, General Business District (Conditional), was a concern due to the possible reuse of the structure and parking lot for another retail use if the thrift shop ceases to occupy the premises. To address this concern, the applicant has proffered that any other uses will be those permitted in a B-3, Community Business District.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on November 30, 2004. Comments related to the proposed use were minor in nature and have or will be addressed by the developer prior to final site plan approval.
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## **VI. PLANNING DIVISION RECOMMENDED MOTION**

**Based on the preceding Findings of Fact, the Planning Commission recommends to the City Council approval of the petition of C & G Properties for a rezoning from B-3, Community Business District, and R-3, Two-Family Residential District, to B-5, General Business District (Conditional) at 1400 Lakeside Drive for the use of a thrift shop and parking.**

This matter is respectfully offered for your consideration.

William T. Martin, AICP  
City Planner

pc: Mr. L. Kimball Payne, III, City Manager  
Mr. Walter C. Erwin, City Attorney  
Ms. Rachel O. Flynn, Director of Community Planning & Development  
Mr. Bruce A. McNabb, Director of Public Works  
Mr. R. Douglas Dejarnette, Fire Marshal  
Mr. J. Lee Newland, Director of Engineering  
Mr. Gerry L. Harter, Traffic Engineer  
Mr. Robert Drane, Building Commissioner  
Mr. Robert S. Fowler, Zoning Official  
Mr. Kent White, Environmental Planner  
Ms. Blake Royer, Petitioner/Representative

## **VII. ATTACHMENTS**

- 1. Vicinity Zoning Pattern**  
(see attached map)
- 2. Vicinity Proposed Land Use**  
(see attached map)
- 3. Site Plan**  
(see attached site plans)
- 4. Narrative**  
(see attached narrative)